

KENTUCKY REGIONAL GENERAL CONDITIONS

These regional conditions are proposed in addition to but do not supercede the requirements in the Federal Register (Volume 66 No. 154 of August 9, 2001)

Notifications for all Nationwide permits should include a location map (USGS topographical map) and project drawings on 8 1/2" x 11" paper.

1. For activities in Outstanding Resource Waters (ORWs) for the NWP's listed below, a Pre-Construction Notification (PCN) will be required to the Corps. The Corps will coordinate with the appropriate resource agencies (see attached list) on these NWP's for impacts to ORWs, or for impacts greater than 0.25 acre of "waters of the United States".

NWP 3 (Maintenance), 7 (Outfall Structures and Maintenance), 12 (Utility Line Activities), 14 (Linear Transportation Crossings), 27 (Stream and Wetland Restoration Activities), 29 (Single Family), 39 (Residential, Commercial, and Institutional Developments), 40 (Agricultural Activities), 41 (Drainage Ditches), 42 (Recreational Facilities), 43 (Stormwater Management Facilities), 44 (Mining Activities).

2. Nationwide Permit No. 14 – Linear Transportation Projects

- (a) Activities in Section 10 navigable waters will require a PCN to the Corps.
- (b) Public projects are limited to the maximum loss of 500 linear feet of stream with compensatory mitigation.

3. Nationwide Permit No. 27 – Stream and Wetland Restoration Activities

- (a) All work in Section 10 navigable waters will require a PCN to the Corps.

Note: For activities on any public or private land that are not described by paragraphs a(1), a(2), or a(3) of this NWP (Federal Register pp 2082-2083 Volume 67 No. 10, Tuesday January 15, 2002) a PCN will be required to the Corps. PCNs will be coordinated with the Kentucky Division of Water, U.S. Fish and Wildlife Service, and the Kentucky Department of Fish and Wildlife resources in accordance with General Condition 13.

Further information:

Outstanding Resource Waters (ORW's) in Kentucky are streams designated by the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet. The list is attached.

Information on Pre-Construction Notification (PCN) can be found at NWP General Condition No. 13 (Federal Register, Volume 67, No. 10, Tuesday, January 15, 2002, pp 2090-2091).

Mitigation includes activities that avoid, minimize, and compensate for impacts.